

**APPENDIX C**

**CONSULTATION LETTERS FOR WETLANDS AND FLOODPLAINS  
UNDER SECTION 404 OF THE CLEAN WATER ACT**



ILLINOIS  
DEPARTMENT OF  
**NATURAL RESOURCES**  
Office of Water Resources

524 South Second Street, Springfield 62701-1787

George H. Ryan, Governor • Brent Manning, Director

February 28, 2001

SUBJECT: Cornbelt Energy Corporation  
Proposed Coal-Fired Generating Plant  
Turrus Mine Site @ Elkhart

Mr. Douglas Mulvey  
Harza Engineering Company  
233 South Wacker Drive  
Chicago, Illinois 60606-1787

Dear Mr. Mulvey:

Thank you for your February 15, 2001 inquiry concerning the need for Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR) authorization for the subject project. Since the project does not involve construction within a public body of water or within the floodway of a stream with a drainage area in excess of our ten square mile rural area jurisdictional limit, only our dam safety rules will be applicable.

From the information you provided, it appears that water is to be impounded in retention, freshwater, sediment, slurry and polishing ponds. As indicated in Section 3702.20 of the enclosed "Rules for Construction and Maintenance of Dams", embankments constructed for the purpose of storing water are defined as dams. IDNR/OWR permits are required for the construction, operation and maintenance of all Class I (high hazard) and Class II (significant hazard) dams and Class III (low hazard) dams meeting **any** of the following criteria:

- The drainage area of the dam is 6400 acres or more in a rural area or 640 acres or more in an urban area; or
- The dam is 25 feet or more in height (measured from the top of the dam to the lowest point at the downstream toe of the embankment) and the impounding capacity is greater than 15 acre feet; or
- The dam has an impounding capacity (calculated at the top of the dam) of 50 acre feet or more and the height of the dam is greater than 6 feet.

To enable our provisional hazard classification and determination of the need for IDNR/OWR permits, a preliminary design report for each dam will need to be submitted. Information to be included in a preliminary design report is listed on page 2 of the enclosed "Procedural Guidelines ..." booklet.

[printed on recycled and recyclable paper]

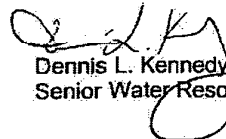
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Mr. Douglas Mulvey  
Page 2  
February 28, 2001

Please feel free to contact Mike Diedrichsen of my staff at 217/782-3863 if you have any questions or comments.

Sincerely,

  
Dennis L. Kennedy, P.E.  
Senior Water Resources Engineer

DLK:MLD:emm  
Enclosures



DEPARTMENT OF THE ARMY  
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS  
CLOCK TOWER BUILDING - P.O. BOX 2004  
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO  
ATTENTION OF:

March 2, 2001

Operations Division

SUBJECT: CEMVR-OD-P-405410

Mr. Douglas Mulvey  
HARZA Engineering Company  
Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606

Dear Mr. Mulvey:

Our office reviewed your application dated February 15, 2001, concerning the proposed construction of a generating facility in Section 17, Township 18 North, Range 3 West, Logan County, Illinois.

We determined your project as proposed does not require a Department of the Army (DA) Section 404 permit. Our office reviewed the information provided to us. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although an individual DA permit and individual IEPA 401 certification will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits. If you have not already coordinated your project with the Illinois Department of Natural Resources - Office of Water Resources, please contact them at 217/782-3863 to determine if a floodplain development permit is required for your project.

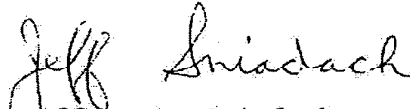
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Should you have any questions, please contact our  
Regulatory Branch by letter, or telephone me at  
309/794-5369.

Sincerely,



Jeffrey W. Sniadach  
Project Manager  
Enforcement Section

Copies Furnished:

Mr. Bob Dalton  
Illinois Department of Natural Resources  
Lincoln Tower Plaza, 524 South Second Street  
Springfield, Illinois 62701-1787

Mr. Bruce Yurdin  
Manager, Bureau of Water Section #15  
Watershed Management Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

U.S. Army Corps of Engineers  
Illinois Waterway Project Office  
257 Grant Street  
Peoria, Illinois 61603

**MWH**

MONTGOMERY WATSON HARZA

February 4, 2002

Mr. Jeffrey W. Sniadach, Project Manager  
U.S. Army Corp of Engineers – Rock Island District  
Clock Tower Building – P.O. Box 2004  
Rock Island, Illinois 61204

Subject: Water Discharge Permit Requirement  
Corn Belt Energy Corporation Generation Facility

Dear Mr. Sniadach:

MWH Americas, Inc (MWH) has been retained by Corn Belt Energy Corporation (CBE) of Bloomington, Illinois to provide permitting support for a coal-fired generation facility in Logan County, Illinois. I have exchanged previous correspondence with you pertaining to this project. Your correspondence number is identified as CEMVR-OD-P-405410.

As our plans have progressed I am making sure that we meet all regulatory permitting requirements. My question pertains to a process water pond located onsite that was constructed and is operated by the Turris Coal Company. The process pond has been identified on the Wetland Inventory Map shown in the attached figure. We plan to construct a discharge pipeline into this process pond. Will this action require a Nationwide permit?

If you have any questions, please contact me at (312) 831-3859 or email me at [douglas.l.mulvey@mwhglobal.com](mailto:douglas.l.mulvey@mwhglobal.com). I look forward to your response. Thanks for your time and assistance.

Very truly yours,

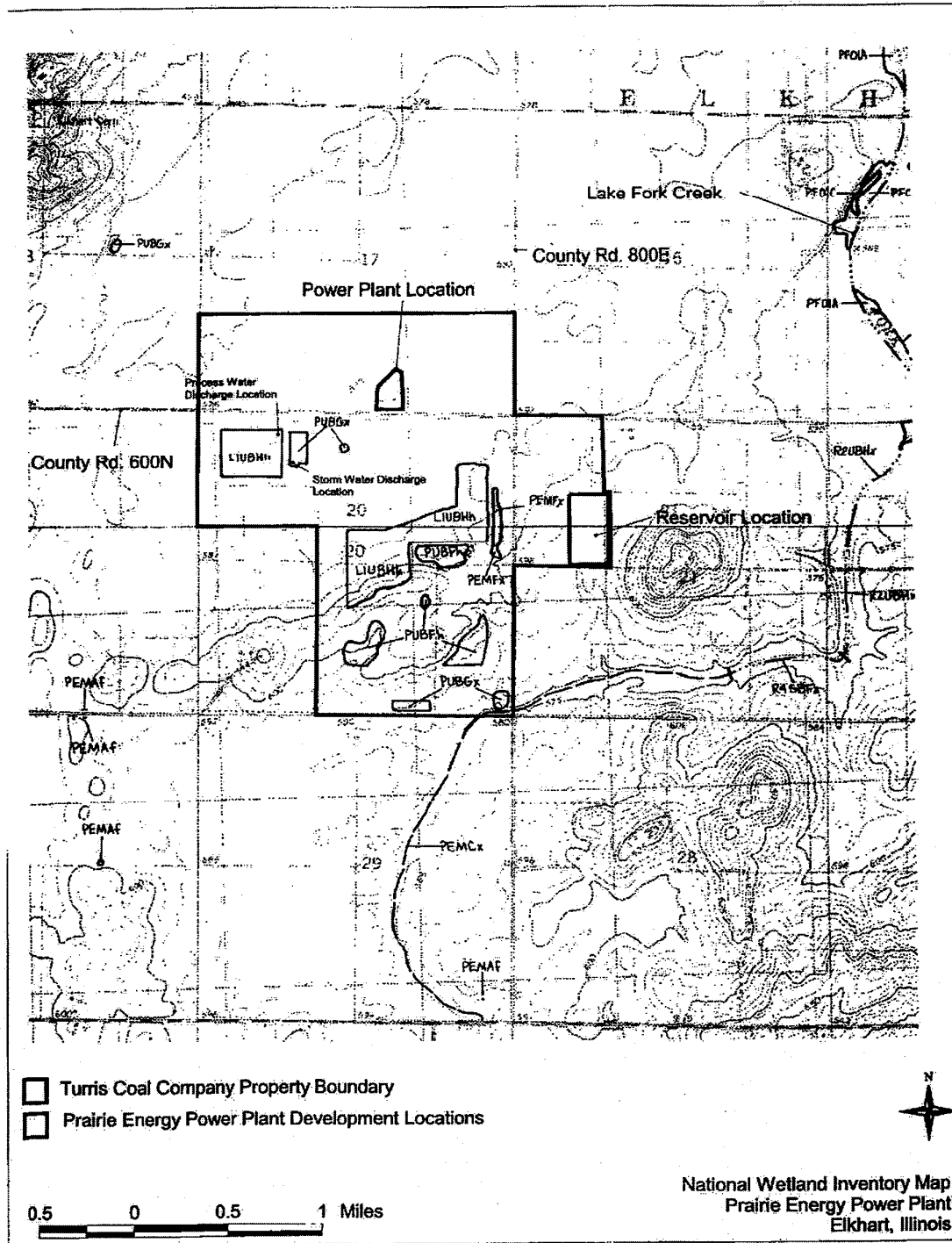
Douglas L. Mulvey, P.E.  
Senior Environmental Engineer

Enclosure: As noted

Sears Tower  
233 South Wacker Drive, Suite 900  
Chicago, Illinois  
60606-6352

Tel: 312 831 3800  
Fax: 312 831 3809

*Delivering Innovative Projects and Solutions Worldwide*



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS  
CLOCK TOWER BUILDING - P.O. BOX 2004  
ROCK ISLAND, ILLINOIS 61204-2004

February 15, 2002

Operations Division

SUBJECT: CEMVR-OD-P-422550

Mr. Douglas Mulvey  
Montgomery, Watson,  
Harza America's, Inc.  
Sears Tower  
233 South Wacker Drive, Suite 900  
Chicago, Illinois 60606

Dear Mr. Mulvey:

Our office reviewed your letter dated February 6, 2002, concerning a request for a jurisdictional determination of a site, located in Section 20, Township 18 North, Range 3 West, Logan County, Illinois.

We determined your project site contains water of the United States not regulated under Section 404 of the Clean Water Act, and does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

You are advised that this determination is valid for five years from the date of this letter unless new information warrants revision of it before the expiration date.

Although an individual DA permit and individual IEPA 401 certification will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits. If you have not already coordinated your project with the Illinois Department of Natural Resources - Office of Water Resources, please contact them at 217/782-3863 to determine if a floodplain development permit is required for your project.



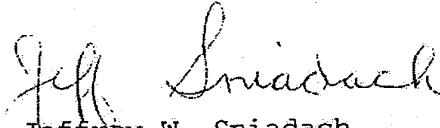
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Jeffrey W. Sniadach  
Project Manager  
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